



State of Ohio Environmental Protection Agency

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February 20, 2008

Rachel H. Blumenfeld
Acting Deputy Manager
US DOE
Portsmouth/Paducah Project Office
1017 Majestic Place, Suite 200
Lexington, KY 40513

Dear Rachel.

At our meeting on January 23, 2008 you asked us to provide you a summary of the regulatory framework Ohio EPA is willing to use to oversee D&D activities at Portsmouth Gaseous Diffusion Plant in Piketon, Ohio. Ken Dewey, Jim Sferra and I briefly discussed our proposal with you on February 14, 2008. These letters outlines our proposal, but understand that we are also in the process of drafting an administrative order that will, with additional specificity, embody the details..

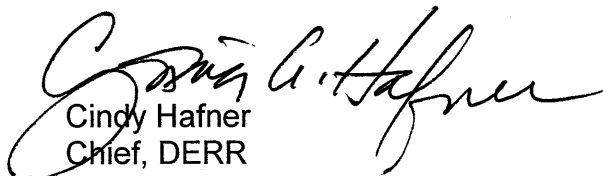
In summary, the proposal includes the following:

- A) Conduct D&D activities (this term will be defined in detail in Ohio EPA's draft administrative order, which is forthcoming) under CERCLA RI/FS through RD/RA;
- B) Evaluate the siting of an on-site disposal cell pursuant to the CERCLA RI/FS process and, if determined to be appropriate, move forward with design, construction, operation, maintenance, closure, and post-closure care pursuant to the CERCLA RD/RA process, which would include development of waste acceptance criteria (WAC); and
- C) Pursuant to Ohio Revised Code (ORC) 3734.02(G), DOE may apply for an .02(G) exemption requesting that the Director allow any waste generated pursuant to the investigation and clean up under the Consent Decree to be disposed of in the on-site disposal cell if, at a minimum, the CERCLA remedy that is chosen is an on-site disposal cell, the cell is designed, constructed and operated in accordance with applicable requirements and relevant and appropriate requirements, and if the waste meets the WAC. Any such request will be evaluated at the time it is received pursuant to the requirements of ORC 3734.02(G.)

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Again, an administrative order which embodies the details of this regulatory framework is being developed and will be forwarded to you in the near future, along with a proposed negotiating schedule. Should you have any questions, feel free to contact Ann Fischbein of my legal staff at (614) 644-3037.

Sincerely,


Cindy Hafner
Chief, DERR